

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CAPE BENAT NAVIGATION, INC.

Plaintiff,

08-cv-05501 (DC)

-against-

**NOTICE OF MOTION TO
VACATE ATTACHMENT**

PROGETRA S.A.

Defendant.
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Upon the accompanying Memorandum of Law, the supporting affidavit of Jorn A. Holl, and the pleadings heretofore had herein, Intervenor Kavanagh Maloney & Osnato LLP ("KMO") will move this Court before the Honorable Denny Chin, United States District Judge, at a time and place as determined by the Court, for an order pursuant to Rule E(4)(f) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure: (1) vacating this Court's maritime attachment of an electronic funds transfer ("EFT") to KMO dated August 1, 2008, EFT reference number A0466101/010808, and (2) after vacatur, ordering that the original EFT instructions for payment to KMO's account at Citibank be carried out.

Dated: August 14, 2008

KAVANAGH MALONEY & OSNATO LLP

By:



Jorn A. Holl (JH 1119)

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